found under the head of memoranda. The conviction grows stronger every day that some mishap has befallen the Washington Allston, now over 200 days out. The ship Amethyst, from New Bedford, is out about 150 days. The mail brings us advices of the sailing, Nov. 14, of the bark D. Godfrey, with merchandise to J. C. Spalding. An exhibit of her cargo will be found below. We have advices also of three German vessels from Bremen for this port—one or two of them fitted out as whaters, but all bringing cargoes of merchandise. The continuance of the court trials has absorbed public attention during the week, and nothing of interest has transpired. An auction sale of a considerable amount of damaged ale and porter, ex Sea Nymph, took place on the 5th, and prices were

Much complaint is made of the stringency of money in this place, and those who have the best opportunity of knowing say. that at no time for several years has the money-market been so tight. It is easy accounting for a scarcity of silver, as coniderable amounts (varying from \$500 to \$1000) have been taken by each whaler intending to touch at Japan, mostly in five-franc pieces. But why there should be any scarcity of gold is less

The Kauai plantations are beginning to forward the new crop of sugar to market, and some specimens which have come to hand are very creditable. The Hilo plantations (including Mr. Metcalf's which is capable of turning out 250 tons) will com mence grinding about February 1st.

The bark Vernon, which sailed from this port for Lahaina on Tuesday the 2d, arrived there on Thursday, having been out only two nights. She took in between two and three thousand barrels of sweet potatoes, and sailed again for San Francisco

Our market-reports from San Francisco show no change in prices everything, produce as well as staples, being quoted at

The exchange offered at the Honolulu Consulate was taken u last week at par, amounting to \$12,000.

NEW BEDFORD OIL MARKET. Spran-2300 bris sperm oil were sold in this market yesterday, SPERM—2300 bris sperm oil were sold in this market yesterday, 1350 bris for manufacturing at \$1 40 \$\mathbb{P}\$ gailon, and the balance (including 150 bris in Fairhaven) for export, at \$1 38 do.

WHALE—250 bris have been sold at 50 \$\mathbb{P}\$ gailon, and 80 do., dark, in Fairhaven, at 43 \$\mathbb{P}\$ gailon.

WHALEMOSE—35,000 fbs of Ochotsk have been sold in this market, mostly for export, at from 70c to 82c \$\mathbb{P}\$ fb. In New York during the week sales have been effected, as follows: 9,000 fbs South Sea, at 70c; 6000 North West, 78c; 10,000 Ochotsk, 84c; 4000 do., 86je; and 1000 Arctic, at 90c \$\mathbb{P}\$ fb.—N. Bedford Standard, Nov. 16.

LATEST DATES, received at this Office.	
Ran Francisco Dec. 16 Panama, N. G Nov. 30 New York, (papers) Nov. 21 4	Paris Nov. 6

FOR BAN FRANCISCO—per Comet, about the 20th.
FOR HILO—per Liholiho this day and Kalama Saturday.
FOR KAUAI—per Kinoole, to-day.
FOR KONA—per Kekauluchi. to-day.

PORT OF HONOLULU, H. I.

ARRIVALS.

Jan. 6-Am bark Comet, Smith, 20 days fm San Francisco via

Hile.
6—Sch Mannokawai, Beckley, from Kohala and Lahaina.
6—Sloop Live Tankee, Morse, fm Molokai, with lime.
7—Sch Kamei, Wilbur, fm Lahaina, with cargo of wheat.
7—Sch Moikeike, Wetherby, fm Kahului, with molasses.
7—Sch Excet, Kuheana, from Kauai.
8—Am bark Zee, Bush, 163 days from New London, with coals and moles to C. A. Williams & Co.
8—Sch Mary, Berriil, fm Kawaihae, with cattle and sheep.
8—Sch Kamehamel a IV., from Kona, with cattle.
8—Sch Kinoole, Rikeke, from Hanalei, with fire-wood.
8—Sch Liholiho, from Hilo, with 10,000 fbs pulc, cattle, 8—Sch Kinoole, Rikeke, from Hanalci, with fire-wood. 8—Sch Liholiho, from Hilo, with 10,000 lbs pule, cattle,

pigs, &c.

2—Sch Jeannette, Cook, from Koloa, with fire-wood.

9—Sch Henry, McGregor, from Kawaihae, with potatoes, hides and pulu.

10—Sch Maria, Moiteno, from Lahaina, with fire-wood.

10—Sch Kekaaluohi, Marchant, from Kona, with fire-wood, 75 bags coffee, hogs, &c.

11—Sch Kalama, Borres, from Hilo.

DEPARTURES.

MEMORANDA.

Bark Comet, Smith-Had light, variable winds and calms luring the first part of the passage. Sailed from San Francisco 17th Dec., and arrived at Hilo 2d Jan. Had moderate trades luring the latter part of the passage.

Bark Zoe, Capt. Bush, left New London 28th July ; had oderate weather as far as the Falkland Islands; had one very heavy gale off the River Plate. Started a leak, and had to keep both pumps constantly going. Put into the Faiklands 7th Oct.succeded in stopping the leak, and sailed again on the 19th Had continual heavy gales off the Horn, from N.N.W., for 25 lays ; was driven as far south as 60 ° 30 ; from thence to Honorulu, had ordinary weather. Spoke no vessels during the entire passage. The following vessels had put back in distress into the Falkland Islands :

Danish bark Denmark, from Liverpool to San Francisco; had been 30 days off the Horn, with heavy gales; had lost rudder and sails, and put back for repairs. Hamburg bark Alliance, bound to Valparaiso, was 20 days off the Horn, and had lost spars and sails. Had on board the

master and crew of the Hamburg ship Aur, abandoned off Cape Horn, with cargo of guano from the Chinchas. She was nearly new, being only four years old. English bark Jane Boyd, was 30 days off Cape Horn; had lost ruider, and had her deck swept; put into Falklands for

American ship Ellen E. Miller, Capt. Sweeneye from New York, bound to San Francisco, was lost some time in August; had been 40 days off Cape Horn, lost rudder and spars, and leaking very tadly, started for the Falklands, and arrived, but

had to beach the ship to save the cargo. American ship Russell, from New York for San Francisco. was 20 days off the Horn; put back to the Falklands for repairs; was lost in August, off Cape Pembroke, East Falklands. Total

loss—crew saved.

The Zoe saw an English ship, name unknown, in distress, going into the Faiklands as she left.

On the 16th October, an English ship under jurymasts, showing signals of distress, and firing guns, was observed from the harbor—it was blowing so hard, no assistance could be rendered. The next morning she was not in sight.

The inhabitants of the Falkland Islands say they never before

experienced so rough and disastrous a season

VESSELS IN PORT-JAN. 12.

IMPORTS.

FROM SAN FRANCISCO-PER BARK COMET, JAN. 8: W. N. Ladd—I case hardware.

H. M. Whitney—2 cases books and stationery.

Dr. Judd—I trunk.

Wilcox, Richards & Co.—20 kegs whisky, 25 tierces hams, 60 arreis and 25 haif do salmon, 20 hales hay.

Mr. Bash—2 cases mose.

A. K. Clarke—I cases mose.

Janion, Green & Co.—25 hhds ale.

A. Fong—25 cases shoes.

Hoffschlagger & Stapenhorst—560 leeches.

H. Cole—200 sicks potatoes.
Hackfeld & Co.—4 cases spirits.
der—4 boxes, 1 trunk, 4 pkgs, 1 chair and stool, 1 sail boat, a merchastics.

C. A. Williams & Co.—31,310 bis bread, 9 casks do., 25 bris prime perk, 4 casks shoulders, 100 tens coal, 300 iron poles, 64 colls manifa cordage, 6 whaleboats, 50 bris provisions.

James M. Green—5 boxes furniture.

Thomas Hobres—4 boxes and 1 keg.

Order-I whaleboat.	RGO .
Of bark D. Godfrey, which	
for Ho	notulu:
Apples, half bris	Matches, cases. Oil, galls. Oil, galls. I, Ox bows, boxes. Printing materials, pkgs. Pictures, box. Preserved meats, &c., bxs. Pants, cases. Paste, cases. Pitch, bris. Piow and castings,
Bricks. 23,600 Butter, half bris	Powder, cases Pork, brin Porter, dor.
Candles, boxes	Quilts, cases
Crash, bales	Raisins, qr. boxes
Cider, cases	Salt, pkgs
Domestics, pkgs	Spices, boxes
Plour, bris	Tubs, nests
Fish, box	Varnishes, bris
Gunny bags, bales	Whisky, galls
Hope, bales	Wine, galls

PASSENGERS.

From San Francisco-per Comet, Jan. 6-G N Tholk, wife and child, Miss Hart, A Perduar, Wm Black, I Hamilton, A prodowsky, N J Bean, E Coquil Left at Hilo-B Pitman,

From Lahaina-per Kamoi, Jan 7-Messrs Byram and Coit

From Hilo-per Comet, Jan 6-J Worth.
From Hilo-per Liboliho, Jan 8-Mesers Bease and Wright.
From Kawatata-per Mary, Jan 8-W L Green, Rev Mr.
Jyons, Mr Louzada and Acheon. From Lanarya-per Macia, Jan 10-Mr Burns, Monsieur For Karai-per Excel, Jan 10-Mr and Mrs McBryde, Miss For Kawaistan-per Mary, Jan 11-Rev Mr Lyons, Miss

In Honoluin, Dec. 28, to the wife of Wm. C. Parke, Esq.,-a In Honolulu, Jan. 10, to the wife of Ira Richardson, Esq.,—a

MARRIED.

On the 10th January, 1860, at the Bethel, Honolciu, by the Rev. S. C. Damon, according to the rites of the Episcopal Church, DUNCAN MCBAYDE, Esq., of Wailua Falls, Kauai, and formerly of Argyl-shire, Scotland, to Miss ELIZADECH AMELIA MONIET, of Pontypool, Monmouthshire, England, nice of Capt. Geo. Luce, of this city. [Printers' compliments to the happy

THE PACIFIC Commercial Advertiser.

THURSDAY, JAN. 12.

"Justice, when equal scales she holds, is blind; Nor cruelty, nor mercy, change her mind." THE right of trial by a jury is a right guaranteed by the Constitution to every subject. It the palladium of that freedom which has raised England and America above the nations of the earth. It has been incorporated into the laws and constitution of the Hawaiian kingdom, and if guarded with that vigilance which it calls for, may ever remain a bulwark of our individual liberty and the security of society; but if allowed to be perverted, so that justice is trampled on, every citizen may well tremble not only for his own peace and safety, but for that also of the

The trials for manslaughter and murder before the Supreme Court last week have been the topic of animated discussion, both among foreigners and natives. The singular decision given in the manslaughter case and the issues pending on it, lead us to publish an abstract of the testimony and the charge to the jury. Both are sufficiently clear for any person to make up his opinion on the case. The verdict of the jury was, Not quilty; or in other words, Horton committed an act of justifiable homicide. Whatever may have been the motives which led to this verdict, there is scarcely a man who reads the testimony or who heard it in court, who believes it to be according to the evidence and the law?

This verdict, as well as that in the case of Capt. Mason, may well be pondered and discussed by our thinking community. It tells us that a superior may destroy the life of his inferior, and the act will in our courts of justice pass as lawful and justifiable. In this matter, which has now become a public affair, the press has the right to warn the public of the tendency of the present state of affairs. Some think that the press should make itself a dummy, to speak only when spoken to. We have always asked, and shall always claim the right to speak on all questions of public interest. A journal conducted on any other principle, can be of no benefit to society.

The trial before us shows that the life of a native has been destroyed,-the acknowledged result of an act or violence, and the offender is acquitted, and allowed to go abroad free of pain and penalty-more than his warmest friends asked or himself expected. What may we look for next? Perhaps that one of our citizens walking quietly at noon-day through the street, may be struck down and killed, the offender arrested and brought to trial, the killing clearly proven. but some technical quibble, some amiable character in the defense, makes it all lauful, all justifiable. Such is the state to which our community is advancing. Three-fourths of our residents believe, on the evidence published, that the seaman, Joseph Watson, came to his death by the act of Captain Mason of the Orestes. And Captain Mason was acquitted, and greeted as an injured man. Four-fifths of those who heard the evidence in court must have been convinced that the steward of the Frances Palmer came to his death by the act of C. S. Horton. Yet Mr. Horton is acquitted.

We are not blind to the arguments brought up by the counsel for the defense, who certainly deserve praise for the skill exhibited for their client. We are not blind to the fact that the accused had always borne an unexceptionable character, and that this was his first offense. Nor are we ignorant of the authority with which an officer on board ship is clothed. But that authority by no means extends to the taking of the life of his inferior for trivial offense, while the vessel is quietly lying at the wharf.

We may speak warmly on this matter, but we feel that we have rights at stake-we feel that if the deceased had been our brother, as he was our countryman, that our rights had been invaded, and that justice demanded some atonement. The blood of that poor kanaka is as sacred in the eye of the law as that of the Chief Justice. Had the case been reversed-had Horton been killed by the steward, would any such result have been attained? Justice answers, No. He would have followed to the gallows the poor culprit who was last week hung, or if found guilty of manslaugh- hesitating and contradictory statements touching ter, he would not have been thought too good for a ten years' term on the reef.

We may be charged with want of sympathy and kindly-feeling in this matter to a stranger in misfortune, as we were charged by the government when speaking of the Mason tragedy. But we appear here as public journalists, and where duty calls us to warn the public, our sympathies must not be allowed to bias our judgment. We find no fault with the Court, whose charge to the jury, (excepting the last item, relating to the authority of the mate in port,) appears impartial and just. Neither do we find fault with the jury in itself. The fault lies in the circumstances | derers in which our community is placed, in being so limited in numbers, that impartiality and perfeetly unbiassed judgment in cases of importance are sometimes unattainable. The jury list is exeeedingly limited, and must always be so; but this evil can be in a measure corrected, by increascapable of duty, and not solely those who are personally and often intimately acquainted with the parties at suit, who sit, perhaps, at the same

table and drink from the same glass. In the case of the two Chinamen charged with being accessories to the murder of Louika, we see them quietly discharged from custody, because for sooth, no admissable testimony has been procured by the crown attorney. We would ask, if any extra efforts have been made by the prosecution to obtain testimony, or has the case been allowed to come into Court, trusting solely to the testimony of a convicted murderer and to Providence for the issue? Even the testimony of that convict was not sought for, till after his conviction, which the merest tyro in law might have suspected would be thrown out. The two persons brought up and charged as accessories to the naurder, are unquestionably guilty, and some facts implicating them no doubt exist, which with ex- Neilson is improving, and there is now every prospect

them turned adrift in our community, till they can find some other opportunity and some more conspicuous victim for their savage sport. There is something faulty here. Either our laws are defective, or those to whom is entrusted the duty of investigating public offenses, are remiss in their trust. Look to the prosecution and examination in the manslaughter case on the part of the crown, nd compare it with the severe ordeal through which the same witnesses had to pass under the hands of Mr. Montgomery, in the Civil Suit brought by the widow of the deceased steward. One is almost compelled to believe that there was a determination on the part of the prosecution to favor the defendant, and allow of a partial trial. Can it be that the crown attorney has betrayed the trust reposed in him by a confiding public? We do not say it is so, but many remarked that it looked very much like it.

Shall we, as journalists, look quietly on, and tell the people there is security, when there is no security. Shall we tell them to rest in quiet, that they are perfectly safe in their slumbers, when murderers are let loose like hyenas to prowl around their dwellings? Shall we not rather tell them to be prepared for their own defense, and to sleep with their loaded revolvers under their pillows? We wish to excite no undue fears, but when the ends of Justice are thwarted, when the arm of the law becomes powerless to reach midnight assassins, it is then time for every man to be on his guard, and to be prepared for his own

It is not to be wondered at, that the result of these trials has been to create among the native pulation no ordinary excitement. They say that the foreigners can trample on their rights, tak: their lives, and yet escape from justice. And they say so with some show of reason. On Monday morning last, placards were found posted in the streets, of which the following is a translation, and which we insert here to show the feelng of the natives on this important subject. Though not strictly a mele or song, it is a beautiful and eloquent production:

The old men and the old women traveled upon the highways

This was through the benevolence of Kamehameha I. The rights of the chiefs are disregarded. The natives of the land are trampled upon.

The people of Hawaii are slain without cause. The rights of the people are gone ! the laws are powerless Rise! oh Hawaii of Keawe! and take hold of the law; the ofoder is allowed to escape

Stand up ! oh Maui of Kama ! and punish this great wrong; the eye of justice is closed with sleep. Look! oh Molokai of Hina! let us fall together in council;

olulu, the murderer is protected. Purify thyself in the sea, oh Oshu of Kuhihewa; the blood of ne of Papa has been taken. Let thy waters gush forth, oh Kauai of Mano: and cleanse

He, also, is to blame, who allowed the witnesses, who would have told the truth, to go to a foreign land, To him, the blood that has been spilled upon the ground,

Upon his head be that blood. Rise, ye god-chibiren of Kamalalawaha.

Murder most Foul.

One of the most daring and fiendish murders in the history of crime at these islands, was perpetrated at Makawao, on Sunday morning, January 1st. The articulars, as furnished to us by Mr. Byram, who lived near by, and who had ample opportunity to learn them, are these:

About 7 o'clock on the above-named morning, a man named Hall went to pay a neighborly visit at the house of Mr. H. Bigham, but found no person within, the door wide open, and everything inside in the greatest confusion. After making search for Mr. B. of the pasture, Hall returned to the house, and res. soticing more particularly the derangement of this in the house, began to suspect that some villa . v had been perpetrated; and on making farther search about the wheat stacks his attention was attracted to something resembling a bit of clothing moved by the wind. This he found to be a part of Mr. B.'s clothing, and on removing a slight covering of straw, which had been thrown over the head and body, an object was presented sufficiently horrible to freeze the blood in the stoutest heart. There lay, cold and stiff, the mutilated remains of Mr. Bigham, with whom, but a few hours before, his neighbors had exchanged salutations, and talked of the hardships and disappointments of the year just ending, and ofthe plans and hopes for the future, all suddenly ended by the hands of murderers.

After directing a native, who at that time was passing along the road, to remain by till he returned, Hall hastened to the nearest house, a quarter of a mile distant, to give the alarm, and in a few minutes three foreigners were on the spot. Mr. Needham, one of the first who reached the scene of the murder, hastened to inform the magistrate whose duty requires him to act as coroner; and who arriving in company with a doctor, called a jury, who proceeded to an examination of the body. It was found lying upon a heap of straw, near one of the stacks of wheat, about thirty yards from the house. The head, which was much lower than the feet, was covered with blood from five or six ghastly wounds, any one of which seemed deep and severe enough to have caused his death. Yet, apparently after all these had been inflicted, and the victim thrown prostrate with one or more of the murderers holding him, one of them still continued to beat him upon the side of the head till all signs of life had ceased. A few feet from the body lay two clubs with such marks upon them as proved them to have been the chief weapons used in committing the murder. Viewing the wounds and the weapons, there was evidently a degree of remorseless ferocity which few

would think Hawaiians capable of. While the coroner's jury were engaged, suspicion, both among foreigners and natives, pointed so unanimously to three brothers (natives) living a short distance from the scene of the murder, with whom the deceased was known to have had frequent quarrels, that the chief constable determined to arrest them. On their examination before the jury they made such their occupation and whereabouts, during the twentyfour hours immediately preceding the discovery of the murder, that it was considered important that they should be kept in strict custody till examination before the Magistrate. They were accordingly taken in charge of constables to the premises of L. L. Torbert, Esq., where they were kept under strict guard. In examining the prisoners on Tuesday, two of them were found to have on two pairs of trowsers each, the inner ones of which were spattered with blood. No other than circumstantial evidence has as yet been found to fix the guilt on the accused, but that is of so strong a nature as to satisfy those who have witnessed the investigation, that these men are the mur-

Mr. Bigham was about forty years of age, and a the foreign and most of the native population of the neighborhood; and by those who had known him longest and most intimately, he was highly esteemed for intellectual and literary attainments. He had for several years been a subscriber to the Commercial, and though personally a stranger to us, the promptness and exactness shown in his orders and payments, left a favorable impression of him on our minds. His name has generally been spelled and pronounced wrong by foreigners. In several letters which we have, written by him, he signs it H. BIGHAM. The three natives charged with the murder were brought down from Maui on Saturday, and will probably be tried before the Supreme Court at its present

The Civil Suit for \$10,000 damages brought by the Widow of Charlie, against C. S. Horton, not being yet concluded, we defer a report of the case till

our next issue. We are glad to learn from Lahaina, that Mr. 100 tra efforts might have been obtained. But we see of his recovery.

TRIAL OF C. S. HORTON. Before the Supreme Court, Charged with MANSLAUGHTER.

On Tuesday, January 3d, the case of C. S. Horton, charged with manslaughter in causing the denth of "Charlie," steward of the bark Frances Palmer, in Honolulu, October 16th, was brought up for trial. The prisoner had pleaded at the October term not quilty. Messrs. Blair and Harris were his counsel. The following jurors were drawn : F. Spencer.

N. Spencer, E. P. Adams, Jas. Austin, R. B. Neville, Henry Cornwell, J. H. Rogers, J. M. Green, G. C. Siders, A. S. Cooke, G. T. Lawton, and P. S. Wilcox. Mr. Cooke was challenged peremptorily. Court said that challenge could be only for cause in manslaughter. Mr. Lawton was challenged upon the ground that he had personal feelings, and was discharged. D. C. Bates was drawn, and stated that he had made up his mind, so that it could not be changed by any evidence presented, and was discharged. Mr. Adams was challenged by the prosecution, as having expressed a very decided opinion in the matter. Being sworn, he said his opinion had been formed from what he had hear i, and that he was quite unprejudiced, and free to be guided by the evidence. J. O. Carter dr. wn, stated that he had conversed with prisoner as a friend, and had taken his word for it; discharged. J. H. C. Pratt drawn, said that he had heard things for and against the party, but having neither formed hor expressed an opinion, was allowed to sit. Nearly all the other jurymen were similarly chalenged. The Court said that if there were any who could not come to the hearing of the case with a perfectly impartial conscience they were to state so to the Court. The following jurymen were sworn :

J. H. Rogers, Jas. M. Green, P. S. Wilcox, J. H. C. Pratt, G. C. Siders, F. Spencer, C. N. Spencer, E. P. Adams, Jas. Austin, R. B. Neville, Henry Cornwell. A. S. Cooke,

After the opening of the case for the prosecution, by Mr. Bates, the District Attorney,

Dr. C. F. Guillou was called to the stand Deposed-He was a practising physician in Honolulu; was called with Dr. Ford to attend a post mortem examination of a native boy at station house on a Sunday evening, last October; had seen the deceased body before on the Frances Palmer; body presented no external appearance to indicate the cause of death, and no trace except unusual dilation of the pupils of the eyes, which in connection with previous rumor led them to look to the head for the cause of the death. After opening the exterior, commenced interior examination by opening the eranium; upper surface of brain seemed natural, but on lifting it from the cranium a large quantity of effused blood was found accumulated there, and also about the orifice into the spinal column: the interior of the brain near the back also contained some blood; continued the examination down the spine upon the outside, and found the third vertebra, think it was the third, dislocated, to the right side of the patient, and about half an inch out of the straight line of the other vertebræ, and so firmly fixed that we could not readily restore it to its place, and did not do so. There appeared no unnatural growth about the spine of the displaced vertebra, nor on those adjoining it: we concluded the injury to be recent, and from the unnatural effusion of blood, previously noticed, to be the cause of his death. Witness had

been practising upwards of twenty years. Cross Examined-The injury which produced he death was on the back of the head, and rather upon the right; it might have been partially from the side; the injury of the neck was on the third vertebra; there was no bruise or superficial injury on the side of the head or any part of the head ; the effusion might have been caused by the breaking of a small vein, and therefore, it is impossible say whether it came entirely from the neck; but the injury in the neck would cause the effu-

Dr. S. P. Ford, sworn-Had been a practising physician for twenty-three years; concurred fully in statements of Dr. Guillou; the injury must have been produced from a blow from the back and left, one blow, something coming in contact with the vertebræ of the neek; cannot tell with what the injury had been received; the vertebræ are about an inch apart, therefore, it must have been inflicted with something not more than an inch thick; it was probably by a hard substance, omething from balf an inch to an inch thick; I was acquainted with deceased; the muscles about the neck were very large; it is impossible to tell the amount of force used; a man might take a plank an inch thick and inflict it; the process was not broken, it was dislocated; the muscles were not broken, they were dislocated; the deceased came to his death from an injury in the back of his head from external causes.

Cross Examined-Injury might have been inflieted by a blow; have been on board the Frances Palmer; have not noticed any ring; anything would produce the injury that was hard and resists, and half an inch or an inch wide.

H. L. K. Wood, sworn-In substance, deposed. he was on board the Palmer, the evening of Oct. 16th; when Horton returned to the vessel, supper table had been cleared off; cabin boy asked Horton, if he wanted supper; he said he did, and went into the cabin and partook of it; came out on to the quarter deck with Messrs. Crabb, Ellis, and witness; deceased came up the after gangway, and went to starboard side to shake a table cloth on the after deck. As he was returning to the cabin, Horton spoke to him, very kindly as I thought, and said : " Charlie, never put supper on the table again, until I come down; if I am not going to be here, I'll tell you before I go away; but I shall always be here." Steward went down, and Horton shortly followed; what transpired in the cabin witness does not know; Horton presently returned to deck to where witness and company were sitting, and said he had to speak to Charlie this time, because he had served him the same trick a number of times before. In a few minutes after, Charlie came about half way up the gangway, at the forward part of the cabin, on the starboard side, and said "my hour for supper is 5 o'clock, if you are not here, native of Macon, Georgia, where his relatives now re- you've got to go without it." Horton asked him side, from some one of whom (probably his mother) | what he said, and the steward repeated it. Hora letter has arrived in the last mail, too late to glad- ton then stepped forward and kicked the steward den the heart now stilled forever. He settled in with the side of his right foot, on the right side of the eleventh commandment, won the respect of all | Witness next saw the steward on the deck in the | wall to those without the prison. arms of those who came to his assistance. While standing on the deck Horton remarked to witness, he thought the steward must be stunned.

Cross Examined-When the blow was given, Horton and deceased were looking toward the wharf; Horton kicked crossways, he was not holding on to anything; there was nothing harsh or unkind in the tone of Horton's voice; Horton was first officer of the vessel; I did not see the Captain on board until two and a half hours after the occurrence; witness had heard deceased speak well of Horton; cannot say if steward was intoxicated; knew he had been drinking.

Joseph Ellis, sworn-Deposed mainly as the previous witness. Understood the steward to say it was his order to have supper at 5 o'clock; as he said it, Horton went toward him, and said "you will," and kicked him; then the steward disappeared from witness' view; did not see him | with asthma or rheumatism.

again till five minutes after, when Horton said to witness, I have hurt that boy, and I want you to go and get a doctor; went for the doctor; Horton was standing on the upper deck when he told me to go for a doctor.

Cross-examined-Horton seemed concerned to ave a doctor as soon as possible.

Horace Crabb, sworn-Was in company of last two preceding witnesses; heard a blow and a fall did not see who struck it; there was some remark made by Horton to the effect, he would know better the next time; did not hear Horton call names; he didn't appear to be excited; next saw Charlie lying with his head on his father's knee, Mr. Bates here wished to put the record of witness

estimony before coroner's jary to refresh his memory. After debate, this was allowed by Court. Mr. Crabb then deposed: When Horton walked aft, he said, · You will know better next time, you son of a b---. Cross-examined .- He said that as he walked back

O. H. Houston .- Was cook on the Frances Palmer he day of the accident; saw the steward on the gangway steps coming down; saw Horton on the rangway deck ; witness was coming out of the galley, ug aft, about two feet of the house on starboard side ; heard Horton and the steward talking ; steward said he wanted to get through his work before dark, and was going to-at that moment looked up and saw Horton raise up his foot and kick the steward, and with the kick, remarked, "You will, you son of a -," and then walked aft; the steward fell on eck, and struck on his posteriors, and fell over backwards; witness then went towards the steward and made the expression, "Oh, my Ged !" called the cabin boy, and going forward, told the 2d officer hat the mate had kicked the boy; I should say he wastdead when he struck the deck; I did not hear im utter a grumble afterwards; he did not move till I moved him ; there was a ring-bolt aft the main dec k; it was about eight inches from where his head was when I went to him; the iron was about an inch in diameter, and the eye two inches. Cross-examined .- Witness was about eighteen feet rom the gangway at the time; never measured the

distance. My reason for supposing him dead when he reached the deck was, that I did not see him breathe afterwards; I could see distinctly where he fell; there was nothing to intercept the view. Was cross-examined at great length. Prosecution here rested. Adjourned till 8 P. M.

Mr. Blair addressed the jury on behalf of the coused, and called to the stand first, H. T. Fitch.-Deceased had formerly been in witness' employ; knew him well, his habits; saw him just before 1 P. M. of the said Sunday, and then remarked to him, "Charlie, you're tight, you don't want to leave the Palmer ;" witness thought he was

Mr. Waldau, Mrs. Everett, Mrs. Clark and Mr. rendergast were called to testify to the amiable haracter of the accused, and his kind bearing owards men under him, as they had observed it on the voyage with him. Mr. Bates offered to admit what they would testify, to which admission Horton's

sounsel declined to accept.

Wood was re-called by the defense to show that ceased was intoxicated, having seen him with two ot'les which appeared to contain whisky; he had nvited in two young fellows about 3 P. M. to take a

Cross-examined .- Think deceased servel us at the able at supper; he was then competent to discharge Crabb re-called, testified that the steward waited pon them that night at supper; witness thought

im sober.

Cross-examined .- Saw steward take a glass of grog half an hour before supper; he did not appear to be frunk; waited several times on witness. Geo. C. McLean testified seeing the steward shaking the table-cloth; had had conversation with him a little previous; thought him sober.

Ellis was re-called, and Joseph E. Manuel sworn. o show that the steward that afternoon and attended to his usual duries." After able arguments of counsel, the Court, per Chief Justice Allen, charged the jury in substance as

You are called upon, gentlemen, to perform a very important duty, not only to the accused but also to the community. While it is natural to counsel to have a fervor and enthusiasm for their client, however proper this feeling to them, it would be unbecoming in you and in the Court to be influenced by any such sympathy. We are here to hold the scales of justice on an even bear. We have our sympathies for that young man; it is natural. * Yet it must not operate on your judgment or mine. This case is a very limited one in its facts and in the law applicable to them. Your duty is carefully to consider the casting of the law applicable to it. This timony, wine is to give you the law applicable to it. This and accused of manslaughter. Now what is manslaughter? our Statute, whoever kills another without malice aforeight, under the sudden impulse of passion excited by proocation or other adequate cause, of a nature tending to disturb he judgment and mental faculties and weaken the possession f self control or the killing party, is not guilty of murder, but mansiaughter. The distinction between murder and man-aughter is the intention. If the intention to kill is shown, is murder. But that has not been charged by the District attorney. In Greenleaf on Evidence III, § 119, manslaughter is efined to be the unlawful killing of another without malice,

ither expressed or implied.

If you believe Horton was committing an unlawful act and leath was the result, it is manslaughter. It is an important oint for your consideration—was the accused doing an unlaw-il act? Now, in the relation in which the parties stood to ach other, what was an unlawful act? The language of the toward was "My order is to have supper at 5 o'clock; if you are not here you have got to go without:" or, as another witness testifies, "My hour is 5 o'clock," etc. Now what was the light of the offic r under these circumstances? The master has motoubtedly the right, and it is his duty, to apply suitable and n regard to the mate of the vessel, the law is, that matters hisobedience must be reported to the master, except in cases miniment danger, as where men are ordered sloft in a gale of id, and refuse to go. If the master was on board, or was t, if the exigencies were not such as to require immediate and inpt action, the case should be reported to him. If you, themen, should be of opinion, that the act was unlawful, on you come to the question what was the effect of the blow, the blow was given, and the blow itself did not cause deat, it did not cause

consider if the punishment inflicted was suitable and com-surate. If I ride through the streets at a rapid rate, heedal caution as to prevent as far as in his power, accident or inry, it is mansiaughter. As to the testimony of his good character, it is indeed very there is positive evidence. If you are satisfied that the blow was given by accused and death was the result, what has character to do with it? This is the way proof of good characr may operate: If an honorable man is charged with a lar-eny from circumstantial evidence alone, then it is right that should have the advantage of his previous good reputation as you will probably find, a kick was bestowed, an amiable mper is no defense. This matter is to be settled strictly by nw, not by our sympathy.

As to the intoxication of the deceased, if he fell over by the

tor raised object on the deck, and death is the result-it is a nslaughter. But if you consider that the exigencies of the

p made that act lawful on the part of the mate, then you

cive power of Horton and death was the result, it would be ir. Blair asked that the jury be instructed that any doubts ould be given in favor of the prisoner.

JCDGS ALLEN-If you have any rational doubts, gentlemen. to any material links in the testimony they will of course rail to the accused; but you must not entertain any fanciful The party has only the right to reasonable doubts.

on board and not accessible the mate was the captain of the sel. The Court remarked that there was evidence, he be-red that the captain was on board the evening of the assault, it the jury had the evidence, and they must judge from it hether there was a master who had the general charge of the The jury retired, and after a short absence return-

ed with a verdict of Not Guilty-11 to 1. NOTES OF THE WEEK.

EXECUTION .- On Friday morning the native Ma abanohano, expiated his crime upon the scaffold. The execution was conducted within the prison yard with the most perfect decorum, and also with strict privacy. A large concourse of natives was collected before the prison, but their curiosity was not much gratified. The criminal appeared calm and perfectly aware of the position in which he was placed. He was attended up to the fatal moment by the Rev. Mr. Armstrong, (and not by the Catholic clergy, as we had been informed,) who feelingly addressed him. administering the consolations of religion. A medical gentleman was also in attendance. At a few minutes past 8 o'clock, A. M., Makahanohano was launched into eternity. He died almost without a struggle, and the body hung for about fifteen or twenty minutes, when it was pronounced quite dead and was Makawao as a farmer about five years ago, and du- of the head, on the upper part. The steward's cut down. The crowd outside the yard then dising the list so as to embrace every person who is ring his residence there had by industry, unswerving head then struck a beam on the left side on the persed, having seen the end of the murderer's career, street, erected recently by the Odd Fellows, for their honesty, unassuming manners, and strict observance | ear; he then disappeared from witness's sight. | as the head of the culprit was just visible over the | use, was dedicated on Saturday evening last, with the

> WOMAN BEATING AGAIN .- It was but last week we noticed an offense of this nature committed under circumstances of extreme brutality, in which, a woman was, as is too often the case, the victim. On Friday last, a native named Kahoohanohano was brought before the Police Magistrate charged with an assault and battery upon his wife Hauhani. The Judge found him guilty, and the penalty of \$31 and costs was inflicted. We hope the next case will be more severely treated, and some steps taken to prevent the frequent recurrence of such brutal and unnatural acts upon the persons of those whom the offenders are in duty bound to protect.

Not Wanted .- An unpleasant southerly wind prevailed for several days, commencing on Saturday last, accompanied in the evening and night by heavy rain. The atmosphere was heavy and unwholesome, and such as was likely to annoy all who are troubled

Seigne.-Murders and tragedies appear to be the order of the day, and while it is so, we must record them. The friends of John Richardson, Esq., Circuit Judge for Maui, will be pained to hear that he committed suicide on Friday last. In company with Mr. Chas. Lake and some natives, he rode to his cattle range in Kula, on East Maui, and while the men were driving in the cattle, he parted company from them, rode up to a tree, tied his horse and hung himself. Search was made for him, and about midnight he was found suspended from a limb about twelve feet high, and lifeless. His horse was found tied about four rods from the tree. His head was covered over with his poncho, and the slip-noose over that. His body was taken down and carried to his late residence at Waikapu. A Coroner's jury was called, and the verdict rendered was, that he came to his death by hanging himself, while in a state of temporary insanity. He had been laboring for some time under mental aberration, caused, it is said. by domestic troubies. He applied recently for a divorce, which had been denied. Mr. Richardson was about 85 years of age, and one of the most intelligent and promising of his race. He had been a member of the House of Representatives ever since its organization, we believe, and was recently promoted by the King to a seat in the House of Nobles. His death will be deeply regretted by all who knew him. while the government will lose a cordial supporter and faithful servant.

SUPREME COURT .- On Thursday morning the court esumed its sitting, and the case of the King vs. Ahio, the Chinaman charged with the murder of a native woman named Louika, was brought before it. The forenoon was consumed by taking the evidence of the medical men and other witnesses, and at half past twelve, the Chief Justice charged the jury, who retired for the space of about half an hour, and returned with a verdict of guilty. Mr. L. McCully, appeared in the case as counsel for the prisoner. Judgment was deferred. The other two Chinamen, Kea and Achee, charged with being accessories to the above murder, were then placed under trial, but owing to the absence of reliable evidence were discharged by the court.

On Friday the Chinaman named Apah was brought before the court charged with endeavoring to commit the crime of arson. The Jury returned a verdict of guilty, but that on the ground of insanity and dementation, he was not responsible under law for his acts. Apah was then committed to custody for SUCCESSFUL CANDIDATE. - A candidate for the hon-

ors, comforts and privileges of the chain gang, in the person of a Chinaman named Onghung, appeared before the Police Magistrate on Thursday last, to answer to sundry charges of theft, preferred against him by Mr. Davis of the National Hotel. The culprit is a discharged servant of the prosecutor and has for some time been carrying on a system of devastating crusades among the cold meat and other eatables, but the watchful vigilance of Mr. D. succeeded in dislodging the gourmand. On Wednesday evening, being disturbed about 8 o'clock by a noise in his kitchen, he found the long looked for, when he immediately gave him into custody. The Magistrate, showing a kind and benevolent appreciation of Mr. Onghung efforts and desire to rejoin the chain gang fraternity, from whom he had been for a short time separated, sentenced him for the offense to six months hard labor, and then in consideration of it being the second time, added three months more. Nothing like such prompt and severe measures for the checking of crime.

CLIPPER BARK COMET .-- This fine vessel, lately purchased by Capt. James Smith in San Francisco, arrived here on Friday last, with the European and American Mails. She is a staunch looking vessel, and will (especially when her cabin accommodations are enlarged) prove well adapted for the trade intended. She appears to possess the qualifications which enable a vessel to sail fast, and we doubt not under the command of so old and esteemed a sea veteran as Capt. James Smith, will make some good passages. Her tonnage is 537, some two hundred tons larger than either the Yankee or Palmer. She has nearly a full cargo engaged, and is expected to sail about the 20th inst. As soon as she can spare two or three weeks to make the changes, she will have a large cabin house erected, capable of accommodating at least 50 passengers. As a full freight is now offering, she will not delay this trip to make

A GALLANT CAPTAIN'S END .-- Our readers will remember that we published some months ago the account of the loss of the British ship Virginia on Baker's Island, a part of the crew of which vessel was brought to this port by the Josephine. Capt. Withers left that island in the ship's boat and arrived at Sydney. His subsequent history and heroic death, are given in the following, which we find in Forney's Press : On arriving at Sydney, Captain Withers learned

that the Royal Charter was at Melbourne, and about to sail for Liverpool. He accordingly went to Melbourne, and embarked on board that steamer, little thinking that she too, like the vessel he commanded, would meet with a similar fate. He is the same Captain Withers which one of 'the survivors of the Royal Charter described as " behaving himself with such noble fortitude and unflinching bravery" when all seemed lost, and when it was even a mockery to hope for succor in such a fearful tempest. But he was evidently doomed to die a sailor's death; and the last seen of him, who was as accomplished a gentleman as he was an experienced sailor, was when he called out to Captain Taylor and his chief officer, Mr. Stevens : " God bless you, Taylor ! God bless you, Stevens! Keep firm." The Royal Charter broke up immediately after. The remainder is already too well known.

THE ELECTIONS .- The returns for the Election of Representatives come in very slowly. We give as full a report below as has been received:

. I. Dowsett, Honolulu. | P. F. Manini, G. Ukeke,.......Koolauloa. do. MAUL. D. Baldwin, Lahaina. | S. M. Kamakau, Waituku. P. J. Green, Makawao. HAWAII. R. K. Chamberlayne, Hilo, | J. Kaukai, Hamakua, S. Kipa. . . . do. G. W. Pilipo, . . North Kona. L. McCully, Kohala. D. H. Nahinu, . . South Kona. KATIAL. A. Wideman.... Nawiliwili. | D. B. Mahoe,..... One District on Hawaii is still to be heard from: also Molokai. From all the reports received, it ap-

Lahaina, will be regretted by all. DASHAWAYS .- An able and entertaining lecture was on Saturday evening last delivered before this society by Mr. S. Westcot. After the business of the evening was disposed of, the members of the society were agreeably surprised to find that a member of the Dashaway Somety in San Francisco had arrived among them, who presented some copies of By-Laws and Dashaway Songs, which he had brought with

usual exercises on such occasions. The hall was well filled with ladies and gentlemen. We had hoped to have found room for a more extended account of the exercises, and for the admirable address of Mr. Durham, but are forced to omit them.

Our readers may not all be aware that Capt. Jones, who had charge of the Vanderbilt steamer North Star, when she ran on the Bahama banks with the United States mail and 900 passengers, is the same gentleman who commanded the steamer West Point, which was lost at Koloa, Kauai, several vears ago. HIS MAJESTY THE KING and suite arrived

from Labaina in the schooner Manuokawai on Friday last, and was saluted by the battery on Punchbowl Hill. For China news, see an interesting letter from

Mr. Maclay, following the foreign news, on next page.

An interesting letter from an old resident, now in the United States, is unavoidably crowded out.

SAN FRANCISCO, Oct. 1, 1859 MR. Eprron :- Allow me to notice through your paper, my perusal of a paragraph concerning Le Mineur, which I found in the Polynesian of the 27th August. The writer was no doubt bound to censure my liberty in talking of certain great personages, but when he accuses me of being oblivious of the benevo. lence bestowed on me in the Hawaiian Islands, I ber to refer him to No. 7 of the Mineur, where, under

[Correspondence Pac. Commercial Advertises

the head of "Charity," I will be found true to my duty of gratitude to whomsoever it is due. Let me appeal to those who understand more of French than he does, and they will say whether I have blushed to acknowledge what I owe to my friends in the Hawai. ian Islands. I take the opportunity of adding here four copies of the number which contains my public declaration, to prove the contrary of what I am accused of, and I will thank you to offer them gratuit. ously to such persons as are able to understand them With the same veracity, the official champion rentures to speak of my style in French, which he calls slang. Now his opinion of the purity of my French betrays as much ignorance as would an cys. ter talking of geometry. I advise him (whether editor or not) to apply for information somewhere in his neighborhood, where he will find an-American polyglot, with a capital hand for the removal of his

MR. EDITOR :- By giving this a place in your paper, you will oblige the undersigned. As Mr. J. T. Waterhouse has stated that the Jurors in the case of the King vs. C. S. Horton, did render a verdiet contrary to law and evidence, I would state that I consider this accusation of Mr. J. T. Waterhouse as unjust and unkind, and showing a blood-thirsty ou position. I also believe Mr. Waterhouse took shelter under the protection of the court to say things that he has not the courage to say outside of some such protection. I think Mr. Waterhouse must be either non compos mentis, or he cannot know what the evidence was-or, in other words, he has a very limited idea of law and justice. If Mr. W. does not give the late Jurors the explanation they have called for, I think him much worse than I ever thought him

Honolulu, January 11, 1860. " When caps are thrown amougst the crowd.

Yours, &c.,

Yours, &c.,

D. FRICK, LL. D.

The cap that fits they call their own. Yours respectfully, J. T. WATERHOURS

Hew Adbertisements.

PULU FOR SALE. 20.000 POUNDS OF GOOD DRY LEASEHOLD FOR SALE!

THE VALUABLE LEASEHOLD PRO-

perty, on the corner of Merchant and Nunana Streets, for sale on reasonable terms, at present occupied by J. H. STRAUSS, to whom application is to be made on the premises. Possession can be given immediately.

190-3m DAIRY PORK! 10 BARRELS ONLY OF THAT EXCEL-Meyer, Molokai—a choice article for Family and Cabin Table, being milk-fed, fresh, and a superior article. For sale at 190-tf Vox HOLT 4 HEUCK'S.

AT LAHAINA - THE HAWAHAN

CASTLE & COOKE

Siam, Moneka and Frances Palmer, A LARGE ASSORT-IRON AND BRASS-A ment of extra denims, English and American prints, Standard crushed sugar,

bound cedar tubs,
Washstands,
Eagle No. 2 plows,

ther with a large variety of other desirable goods. Also, a new supply of DR. JAYNE'S CELEBRATED MEDICINES consisting of the following kinds:

EXPECTORANT. CARMINATIVE BALSAM. SANITIVE PILLS. AGUE MIXTURE, AGUE PILLS. HAIR TONIC,

HAIR DYE, TONIC VERMIFUGE. C HOICE POLAR OIL, BY THE BARREL

19-tf

19-tf

SOAP. LANGLISH BROWN SOAP IN 66 POUND KETTLES, &c. SAUCEPANS, FRYPANS, STEW KET-

les, tea kettles, ship's cambooses complete,
Coffee kettles, sailors' tin pots and pans,
Stove linings. For sale cheap by
Otf II. W. SEVERANCE. 150 BARRELS SALMON, AT

EXTRA PILOT BREAD IN BARRELS, Medium bread in tierces, New Bedford bread in Carlo, Hawaiian bread in bags. For sale by H. W. SEVERANCE. MANILA CORDAGE!

BREAD! BREAD!

100 COILS 9 AND 12 THREAD MA-190 tf Por sale by H. W. SEVERANCE. TVAR. PITCH. ROSIN, BLACK VARNISH H. W. SEVERANCE.

TURPENTINE, &c. POLAR OIL, SPERM OIL, LINSEED OIL WHITE LEAD. BURE ENGLISH WHITE LEAD, PURE

CAKES! CRACKERS! TENNY LIND CAKES AND CRACKERS, PIE FRUITS, &c.

A large assortment of Stoves, for ship and family use. Brushes! Brushes! DAINT BRUSHES,

A full assortment of all sizes. For sale by H. W. SEVERANCE. PREAKFAST, DINNER AND TEASETTS,

EARFAST, DIANAGE, mugs, corted, bowls, assorted pitchers, mugs, Chambers, totict setts, basins and ewers, Saind dishes, salt-cellars, soup turesns, Batter dishes, cream jugs, molasses pitchers, Castor frames and bottles, pudding dishes, Bake dishes, vegetable dishes, sugar bowls, Milk pans, meat dishes, platters, &c. For sale by H. W. SEVERANCE

Cordage, &c. HEMPCORDAGE, FROM 1 1-2 INCH TO inch, Manlia cordage, from i inch to 5 inch, New Bedford towline, 71 inch hawser laid rope, Cutting falls, 51 inch, lanyard stuff, Ratline, 9 thread to 18 thread, marline, Seizing, 6 thread to 12 thread, mormine,
Seizing, 6 thread to 12 thread, wormline,
Houseline, synnyarn, oakum, cotton and hemp twint,
Cotton and hemp canvas, all numbers, from 1 to 10,
Cotton and linen Ravens for boat sails and awnings,
Bees wax, sail needles, &c., &c. For sale by
W. H. SEVERENCE.

LAMP BLACK, &c. PRENCH YELLOW, Chrome yellow, Chrome green, Prussian blue,

Ultra marine blue, Verdigris, Lampblack. For sale by H. W. SEVERANCE.

NATIVE HYMN BOOK! THE NEW EDITION OF THE NATIVE

SOUP AND BOULLIE, GREEN CORN. Clams, Hamlin & Baker's oysters, English pie fruits, vickles in kegs and bottles. pears to have been an unusually quiet election all over the islands. The defeat of Capt. Cumings in Kona, by 19 votes, and of J. W. Austin, Esq., at